

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

AUTUMN K. ALZATE

PLAINTIFF

v.

CIVIL NO. 2:15-cv-2150-MEF

CAROLYN COLVIN, Commissioner  
Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

Plaintiff, Autumn Alzate, filed this action on July 31, 2015, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). ECF No. 1. On October 6, 2015, in lieu of an answer, the Defendant filed an Unopposed Motion to Remand pursuant to sentence six of 42 U.S.C. § 405(g). ECF. No. 10.

On April 15, 2013, and September 16, 2013, respectively, Plaintiff filed applications for a period of disability, disability benefits (“DIB”), and supplemental security income (“SSI”) pursuant to Titles II and XVI of the Social Security Act, alleging disability since March 1, 2012. ECF No. 1. An Administrative Law Judge (“ALJ”) issued an unfavorable decision on August 6, 2014.

The Defendants seek voluntary remand of this case pursuant to sentence 6 of sections 205(g) and 1631(c)(3) because the Plaintiff presented new material and medical evidence to the Appeals Council that did not exist at the time of the ALJ’s decision. On remand, the Defendants contend that the Appeals Council will instruct the ALJ to consider the new evidence; update the record as needed; evaluate the severity, onset, and limiting effects of the Plaintiff’s impairments; reevaluate the opinion evidence and the Plaintiff’s subjective complaints; reassess the Plaintiff’s residual functional capacity; and, proceed through the sequential process as necessary.

This court may remand a social security case pursuant to sentence six of 42 U.S.C. § 405(g) when the Commissioner, for good cause, requests remand to take further administrative action before filing an answer to the complaint. 42 U.S.C. § 405(g); *Shalala v. Schaefer*, 509 U.S. 292, 113 S.Ct. 2625 (1993). In the present case, the Defendants have not yet filed an answer, and we find good cause exists to support their request for remand.

Based on the foregoing, we hereby grant the Defendants' motion and remand this case to the Commissioner for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g). In view of the lengthy administrative proceedings Plaintiff has already completed, we direct that the Defendant expedite the administrative proceedings on remand.

DATED this 7th day of October, 2015.

/s/ Mark E. Ford  
HON. MARK E. FORD  
UNITED STATES MAGISTRATE JUDGE